

IN THE DRAWINGS:

The attached FIG. 5 serves as a replacement sheet in accordance with 37 CFR 1.84(c).

REMARKS

The Office Action mailed April 29, 2005 has been reviewed and carefully considered. Claims 12-18 are added. The Examiner's indication of allowable subject matter for claims 2 and 3 is appreciated. Claim 2 is redrafted into independent form, but not otherwise revised. Claims 1-18 are pending, the independent claims being 1, 10, 11 and 18. Reconsideration of the above-identified application is respectfully requested.

The drawings stand objected to for purportedly failing to show certain features the Office Action specified. As mentioned in the reply to the previous Office Action, these specified features are shown in FIG. 5 and find support in the specification (e.g., page 13, line 22 - page 15, line 31).

The current Office Action refers to the requirement, under 37 CFR 1.83, that the drawings of an application "must show every feature of the invention."

Those of ordinary skill in the art would find that the drawings, in light of the specification, meet the requirements of 37 CFR 1.83.

FIG. 5 is, nevertheless, amended for clarity. Support for the amendment of FIG. 5 is found in the specification (e.g., page 6, lines 3-5; page 13, lines 15-16, 22-23: "operates as," lines 29-30; page 15, lines 21-22).

Reconsideration and withdrawal of the objection are respectfully requested.

Claims 1-11 stand rejected under 35 U.S.C. 112, second paragraph, as indefinite.

The present Office Action falls short of divulging what it deems to be the "missing" "essential structural cooperative relationship(s)."

The second paragraph on page 3 of the Office Action cites to MPEP §2172.01. This passage in the MPEP states:

A claim which omits matter disclosed to be essential to the invention as described in the specification or in other statements of record may be rejected under 35 U.S.C. 112, first paragraph, as not enabling. *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). See also MPEP § 2164.08(c). Such essential matter may include missing elements, steps or necessary structural cooperative relationships of elements described by the applicant(s) as necessary to practice the invention. MPEP 2172.01.

Based on a reading of the cited passage, the question arises as to what “missing” “relationships” are “described by the applicant(s) as necessary to practice the invention.” The purportedly omitted matter must be disclosed to be “essential . . . as described in the specification.”

The Office Action maintains the rejection without providing sufficient guidance as to what the final Office Action regards to be “missing” in the context of the above question.

Notably, the above-quoted passage from the MPEP cites, in turn, to §2164.08(c).

A feature which is taught as critical in a specification and is not recited in the claims should result in a rejection of such claim under the enablement provision section of 35 U.S.C. 112. See *In re Mayhew*, 527 F.2d 1229, 1233, 188 USPQ 356, 358 (CCPA 1976). Broad language in the disclosure, including the abstract, omitting an allegedly critical feature, tends to rebut the argument of criticality. *Laros Co.*, 209 F. Supp. 639, 135 USPQ 11 (E.D. Pa. 1962). MPEP 2164.08(c).

Referring to claim 1, it appears that whatever “relationships” the final Office Action deems to be “missing” in the above-described context are referred to somewhere in the specification in broad terms that dispel any notion that the relationship is critical or essential to the present invention.

The present applicants are unable to find proper basis for sustaining the suggestion that critical relationships are omitted from claim 1

For claims 10 and 11, the Office Action seemingly likewise fails to provide proper guidance as to what the Office Action deems to be missing.

Continuing from the above-cited portion of MPEP 2172.01, the MPEP reads as follows:

In addition, a claim which fails to interrelate essential elements of the invention as defined by applicant(s) in the specification may be rejected under 35 U.S.C. 112, second paragraph, for failure to point out and distinctly claim the invention. See *In re Venezia*, 530 F.2d 956, 189 USPQ 149 (CCPA 1976); *In re Collier*, 397 F.2d 1003, 158 USPQ 266 (CCPA 1968) MPEP 2172.01.

As in the preceding MPEP passage under §2172.01, the term “essential” cannot properly be ignored in interpreting the meaning of the passages. The latter passage refers to “essential . . . as defined by applicant(s) in the specification.”

This latest MPEP passage is followed by guidance on some of the pitfalls to avoid in attempting to reject a claim for failure to recite essential matter. The described pitfalls relate to seeing essentiality or criticality where it does not exist.

For at least all of the above reasons, the present applicants fail to understand what proper basis could exist for the indefiniteness rejection of claims 1-11.

Reconsideration and withdrawal of the rejection are respectfully requested.

Since claim 2 is accordingly not subject to valid rejection under 35 U.S.C. 112, second paragraph, claim 2 and dependent claim 3, are deemed patentable.

Claims 1 and 4-11 stand rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,452,935 to Gibbs.

Claim 1 recites, “a status manager including . . . status transmitting means for transmitting status information on the isochronous status channel.” The present applicants fail to see how the Gibbs reference can properly be characterized as disclosing this feature of claim 1 of the present invention.

The Gibbs reference merely mentions that IEEE 1394 provides for a bus that supports both asynchronous and isochronous communication (col. 1, lines 59-64), and that the bus carries both commands and status information (col. 6, lines 47-50). Comparing this Gibbs disclosure to what is disclosed in the present application (e.g., [0009], first two sentences), it is unclear how it properly can be said that Gibbs discloses the above-quoted features of claim 1 of the present invention.

In purported explanation of how the cited reference discloses the above-quoted features, page 4 of the Office Action fails to cite to the reference and appears, instead, to be citing to the IEEE 1394 bus protocol. Page 4 of the Office Action states:

a status manager having status channel creation means (in compliance with 1394 protocol, all isochronous data are transferred via created channels) for creating on the bus an isochronous status channel and having status transmitting means (in compliance with 1394 protocol, all data including status information must be broadcasted via channels) for transmitting status information (system configuration, available bandwidth, capacity, for example) on the isochronous status channel.

The Office Action seemingly is citing to IEEE 1394 for the proposition that status information is broadcasted via channels.

In particular, the Office Action seems to be referring to the idle time in an IEEE 1394 isochronous cycle which is conventionally usable for asynchronous transmission that may carry status information.

It is unclear, however, how this observation, by the Office Action, of conventional methodology could further the suggestion by the Office Action that there exists prior art disclosure of “transmitting status information on the isochronous status channel.”

Notably, claim 1 recites, “. . . status channel creation means for creating on the bus an isochronous status channel.”

The Office Action apparently suggests that Gibbs “status channel creation means” creates an “isochronous status channel” to utilize the idle time in an isochronous cycle to transmit asynchronously during that idle time.

One of ordinary skill in the art, however, would have regarded the Gibbs created channel, which transmits asynchronously, to be an asynchronous status channel rather than an “isochronous status channel.”

Notably, one of ordinary skill in the art would have known the marked distinction between an isochronous channel and an asynchronous channel.

The Office Action suggests that one kind of IEEE 1394 status is the available bandwidth, apparently in an attempt to rewrite claim 1 to say “isochronous channel status channel” (see Office Action, page 10, first bolded section).

In effect, although the Office Action offers a somewhat half-hearted acknowledgment that the channel is, in fact, asynchronous (Office Action, page 10, end of first bolded section, last sentence: “is not necessarily an isochronous channel”), the Office Action seems to imagine that claim 1 recites, “isochronous-channel status channel;” whereas claim 1 actually recites, “isochronous status channel.” An isochronous channel is not asynchronous.

The words of a claim must be given their “plain meaning” unless they are defined in the specification. MPEP 2111.01(I).

“Plain meaning refers to the ordinary and customary meaning given to the term by those of ordinary skill in the art. MPEP 2111.01(II).

The term “isochronous status channel,” although clearly supported in the specification, is not defined in the specification. An “isochronous status channel” would have been understood by those of ordinary skill in the art to connote a channel for isochronous communication; whereas, Gibbs transmits statuses in the conventionally IEEE 1394 manner, over an asynchronous channel. Accordingly, reference should properly be made to the meaning given by those of ordinary skill in the art.

Although the Office Action purports to afford the broadest reasonable interpretation of claim language (Office Action, page 5, second full paragraph), reasonableness is judged according to one of ordinary skill in the art, and the interpretation offered by the Office Action, which amounts to rewriting of claim 1, would not have been reasonable.

In summary, claim 1 does not recite “isochronous-channel status channel;” instead, claim 1 recites “isochronous status channel.”

Accordingly, for at least the above reasons, Gibbs fails to disclose or suggest the status manager of claim 1.

Another theme in the Office Action is its suggestion the Gibbs Isochronous Resource Manager (IRM) meets the language of claim 1.

As support for this proposition, the Office Action, in the middle of page 9, states:

The isochronous resource manager monitors, among other things, the status of available bandwidth and notify the nodes of the remaining bandwidth status. Thus it is clear that at least the available bandwidth information is readable as the so-called "status information."

However, the available bandwidth is notified by asynchronous messages (instant specification, e.g., page 2, lines 20-23), not by an isochronous channel, and, for at least this reason, not by the "isochronous status channel" of the present claim 1. One of ordinary skill in the art would not have interpreted the phrase "isochronous status channel" to mean "isochronous-channel status channel." Accordingly, such a rewriting of claim 1 by the Office Action is not reasonable.

In addition, the applicants are unable to find support for the proposition, urged by the Office Action, that the Gibbs, i.e., conventional, Isochronous Resource Manager (IRM) is a "status manager" that includes, "status channel creation means for creating on the bus an isochronous status channel, and status transmitting means for transmitting status information on the isochronous status channel."

Firstly, the monitoring of available bandwidth by the IRM constitutes the monitoring of merely a single type of status, whereas many types of status exist and are typically stored on a single device that is accessed directly, without IRM intervention, by

all other devices to know a status (see present specification, page 2, lines 20-23).

Consequently, the proposition offered by the Office Action fails to suggest that the IRM is a “status manager” which language explicitly appears in claim 1 of the present invention.

In addition, isochronous has distinct meaning from that of asynchronous. Accordingly, the transmitting of status information over an asynchronous channel, i.e., in the conventional manner (see present specification, page 2, lines 20-28), even in the event that the isochronous resource manager does the transmitting of the particular status, cannot fairly be characterized as implying that the isochronous resource manager is “transmitting status information on the isochronous status channel.” Once again, the Office Action seems to be rewriting claim 1, this time to suggest “isochronous-resource-manager-provided-status channel;” whereas, claim 1 recites “isochronous status channel.”

The “Response to Arguments,” then states, “As a matter of fact, the ‘stream manager’ of Gibbs et al. is bandwidth resource manager.”

To the applicants’ best understanding, this statement by the Examiner is a repeat of the above propositions by the Examiner, coupled with the suggestion that the applied reference “inherently” furnishes the purported disclosure of the claims of the present invention. The applicants are unable to find any merit in such a proposition as is being offered by the Office Action.

The Office Action offers, apparently as an evidentiary reference, “Fire on the Wire,” which states in the first full paragraph on page 7, “Device control is managed by asynchronous communication.” Accordingly, the truth of this statement as made in

the present specification (page 2, lines 20-23) is acknowledged by the Office Action's own reference.

For at least all of the foregoing reasons, the cited reference fails to anticipate the present invention as recited in claim 1.

Since both claims 10 and 11 recite the above-quoted feature of claim 1, they too are deemed to be patentable over the cited reference.

Moreover, as the above analysis demonstrates, it would not have been obvious to modify the Gibbs reference to create an embodiment that resembles any claim of the present invention.

As to the other rejected claims, each depends from base claim 1, and is deemed to be patentable over the cited reference for at least the same reasons set forth above with regard to claim 1. However, since each of the dependent claims addresses an additional aspect of the present invention, each warrants further consideration based upon its own individual merits.

New claims 12, 14 and 16 find support in the specification (e.g., page 2, lines 10-12; page 13, lines 15-16).

New claim 13, 15 and 17 find support in the specification (e.g., page 6, line 33 – page 7, line 2).

Claim 18 finds support in claims 2 and 10.

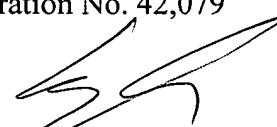
A check for \$400.00 (2 x \$200.00) is enclosed in payment of the fee for adding one additional independent claim in excess of three.

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For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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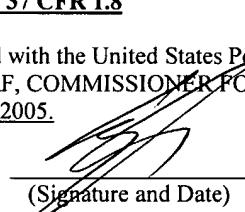
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